

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Misc. Application No. S-181 of 2026

Applicants: 1. Zulfiqar @ Zulfi son of Mukhtiar,
2. Ameer Hassan son of Mukhtiar Ahmed (late),
3. Shahzaib son of Mukhtiar Ahmed (late),
4. Muhammad Noman son of Mehmood
Qaimkhani
Through Mr. Rao Faisal Ali, Advocate.

Official Respondents: Through Mr. Neel Parkash D.P.G.

Private Respondents: Through Syed Zeeshan Ali Shah, Advocate

Date of Hearing: 23.07.2026

Date of Order: 23.07.2026

O R D E R

Khalid Hussain Shahani, J.- Through the instant Criminal Miscellaneous Application, the applicants have invoked the inherent and extraordinary jurisdiction of this Court, assailing the order dated 11.06.2026 rendered by the learned District & Sessions Judge/Ex-Officio Justice of Peace, Mirpurkhas, in Criminal Misc. Application No. Nil/2026, whereby an application under Sections 22-A & 22-B, Cr.P.C., preferred by Respondent No. 6, seeking directions to the SHO, Police Station Kot Ghulam Muhammad, to record his statement under Section 154, Cr.P.C., was allowed.

2. Learned counsel for the applicants submits, with considerable vehemence, that the impugned order is manifestly illegal, arbitrary, and rendered without proper appreciation of the facts and the settled principles governing jurisdiction under Sections 22-A & 22-B, Cr.P.C.

He contends that the present proceedings are but the latest offshoot of a protracted and acrimonious family dispute concerning the custody of minor Eshal Fatima, compounded by ancillary litigation, including a pending suit for recovery of dowry articles, which has engendered deep-seated animosity between the parties. He submits that Respondent No. 6 had previously lodged FIR No. 82 of 2025 against the applicants, which, upon due investigation, culminated in a "C-Class" disposal, the applicants having been declared innocent. He further submits that successive miscellaneous applications, a direct complaint, and guardian proceedings instituted by the respondents have already been dismissed or decided against them by competent Courts. Learned counsel maintains that, undeterred by these repeated failures, the respondents have persisted in instituting successive and parallel proceedings before different fora upon an identical factual matrix, thereby indulging in blatant forum shopping and abusing the process of law with the singular object of harassing and pressurizing the applicants. He submits that the learned Court below fell into palpable error in failing to advert to the prior judicial findings, the admitted litigation history, and the manifest mala fide underlying the institution of the present proceedings, thereby rendering the impugned order legally unsustainable. He accordingly prays that the impugned order be set aside and the proceedings arising therefrom be quashed in exercise of the inherent jurisdiction of this Honourable Court under Section 561-A, Cr.P.C., to secure the ends of justice and forestall abuse of the process of law.

3. Learned Deputy Prosecutor General, ably assisted by learned counsel for the private respondents, has resisted these submissions with equal vigor, fully supporting the impugned order, and prays for dismissal of the instant application.

4. I have heard learned counsel for the applicants, learned Deputy Prosecutor General, and learned counsel for the private respondents at considerable length, and have subjected the material available on record to anxious scrutiny.

5. It is not in dispute that the impugned order emanates from the exercise of jurisdiction conferred under Sections 22-A & 22-B, Cr.P.C., whereunder the concerned Station House Officer has merely been directed to record the statement of Respondent No. 6 under Section 154, Cr.P.C., strictly in accordance with law. Such an order neither pronounces upon the guilt or innocence of any person nor tantamount to a direction for registration of an FIR or initiation of criminal proceedings against the applicants. It does no more than enforce compliance with the statutory obligation cast upon the police under Section 154, Cr.P.C. It follows, therefore, that no vested or substantive right of the applicants stands prejudiced by the passing of the impugned order.

6. The principal thrust of the applicants' case rests upon the antecedent litigation history between the parties and the fate of earlier proceedings instituted by Respondent No. 6. These, however, are matters that impinge upon the veracity and merits of the

allegations levelled by Respondent No. 6, questions that lie beyond the narrow compass of jurisdiction exercised under Sections 22-A & 22-B, Cr.P.C. The remit of an Ex-Officio Justice of Peace under these provisions is circumscribed to ensuring that the police discharge their statutory duty upon receipt of information disclosing a cognizable offence; it does not extend to an adjudicatory inquiry into the truth or falsity of the allegations themselves.

7. Even otherwise, the existence of prior litigation, the dismissal of earlier proceedings, or the backdrop of a family dispute does not, without more, extinguish a person's statutory entitlement to have his version recorded by the police. Whether the allegations are genuine, false, exaggerated, or actuated by mala fide are questions properly reserved for determination by the investigating agency during the course of investigation, or by a competent Court of law at the appropriate stage, not by an Ex-Officio Justice of Peace exercising a summary, supervisory jurisdiction under Sections 22-A & 22-B, Cr.P.C.

8. A close and careful examination of the impugned order discloses that the learned Ex-Officio Justice of Peace has exercised jurisdiction strictly in accordance with law, upon due consideration of the material placed before him. The order is reasoned and betrays no jurisdictional defect, illegality, material irregularity, or misreading or non-reading of the record such as would warrant interference by this Court in exercise of its inherent jurisdiction under Section 561-A, Cr.P.C. The inherent jurisdiction of this Court is an extraordinary

remedy, to be exercised with circumspection and only where its exercise is indispensable to prevent abuse of the process of law or to secure the ends of justice. No such compelling or exceptional circumstance has been demonstrated by the applicants.

9. It is well settled that the inherent powers of this Court cannot be invoked to circumvent statutory procedure, nor to substitute the Court's own view for that of the Ex-Officio Justice of Peace merely because another view is possible. Since the impugned order does no more than direct compliance with the statutory mandate of Section 154, Cr.P.C., leaving the substantive matter to be dealt with by the police strictly in accordance with law, this Court finds no legal infirmity, material illegality, or procedural irregularity therein.

10. For the foregoing reasons, I am of the considered view that the impugned order dated 11.06.2026 passed by the learned District & Sessions Judge/Ex-Officio Justice of Peace, Mirpurkhas, is well-reasoned and in accordance with law, and calls for no interference by this Court in exercise of its inherent jurisdiction under Section 561-A, Cr.P.C. Consequently, the instant Criminal Miscellaneous Application, being devoid of merit, is dismissed along with listed application(s).

JUDGE

Adnan Ashraf Nizamani